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OFFICE OF PETITIONS

In re Application of
Louisa SHAEFER
Application No. 10/047,660
Filed: January 15, 2002
Attorney Docket No. 1113KH-41603

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition under 37 CFR 1.137(b), filed June 29, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed March 5, 2003, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 6, 2003.


The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137 (b) in that (1) the reply in the form of an amendment; (2) the petition fee of \$1,500; and (3) an adequate statement of unintentional delay have been received. Accordingly, the reply to the non-final Office action of March 5, 2003 is accepted as having been unintentionally delayed.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the petition is being construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the petition.

Regarding applicant's "Request for Status Report and Consideration" communication dated June 29, 2005, applicant indicated that the original petition to revived~~ed~~ filed with a certificate of mailing dated December 9, 2003 has not been acted upon, and a duplicate of the earlier petition has been submitted with this paper. Applicant does not have a copy of the postcard receipt for the earlier filing. Upon review, it appears that the earlier mailing of the petition to revive contained the wrong serial number which may have resulted in the earlier petition not being matched with the above-identified application. ✓

Telephone inquiries concerning this decision should be directed to Amelia Au at (571) 272-7414. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application file is being referred to Technology Center Art Unit 2875 for appropriate action.


Frances Hicks
Lead Petitions Examiner
Office of Petitions